

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

Stephen Choate,

Plaintiff,

v.

Chris Weidick,

Defendant.

Case No. 2:18-cv-01958-JAD-DJA

**Order Granting Request for Issuance of  
a Subpoena.**

This is an action arising out of Plaintiff Stephen Choate's claims that Defendant Chris Weidick violated Plaintiff's First and Fourteenth Amendment rights. Plaintiff is an inmate at the Southern Desert Correctional Center. Plaintiff attempted to serve Weidick by naming Weidick's employer—the Clark County School District—in an amended complaint. In adopting the report and recommendation to dismiss Plaintiff's claims against CCSD, District Judge Jennifer A. Dorsey pointed out that Plaintiff might obtain Weidick's address by issuing a subpoena *duces tecum* to CCSD asking it to file Weidick's current or last-known address under seal. In response, Plaintiff filed a motion for the Court to issue a subpoena *duces tecum* to CCSD, styled as a "notice of proposed subpoena *duces tecum*." Because the Court construes pro se pleadings liberally and because Plaintiff is complying with Judge Dorsey's order, the Court liberally construes and grants Plaintiff's motion for issuance of a subpoena *duces tecum* to CCSD.

**I. Discussion.**

The Court liberally construes pro se pleadings. *See Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990). Plaintiffs proceeding *in forma pauperis* are also entitled to rely on the U.S. Marshal for service. *See Fed. R. Civ. P. 4(c)(3)*. To serve a subpoena, a party must first obtain a subpoena, signed by the Clerk of Court. *See Fed. R. Civ. P. 45(a)(3)*.

1 Here, the Court liberally construes Plaintiff's notice as a request for issuance of a  
2 subpoena. Because Plaintiff is attempting to follow Judge Dorsey's order, the Court grants his  
3 request to obtain a subpoena. Plaintiff must follow the steps outlined in this Order to ensure  
4 proper service.

5  
6 **IT IS THEREFORE ORDERED** as follows:

- 7 • The Clerk of Court is kindly directed to issue a subpoena duces tecum to the Custodian of  
8 Records at CCSD directing the custodian to provide the last known address and telephone  
9 number of Chris Weidick:
- 10 • The Clerk of Court shall then deliver the subpoena duces tecum, the summons, complaint,  
11 and a copy of this Order to the U.S. Marshal Service.
- 12 • The U.S. Marshal Service is kindly directed to serve the subpoena duces tecum as well as  
13 a copy of this Order on the Custodian of Records for CCSD.
- 14 • The Custodian of Records shall respond to the subpoena duces tecum within fourteen days  
15 of receipt. The Custodian shall provide its response to the U.S. Marshal Service and the  
16 U.S. Marshal Service shall retain Chris Weidick's last known address and phone number  
17 under seal.
- 18 • Within thirty days of receiving the information from CCSD, the U.S. Marshal Service  
19 shall use the information provided by CCSD to attempt to serve the summons and  
20 complaint on Chris Weidick. The U.S. Marshal Service shall provide Plaintiff with a  
21 USM-285 form (without listing Weidick's address or phone number) indicating whether  
22 service was effectuated.
- 23 • Plaintiff shall file the USM-285 within ten days after receiving it from the U.S. Marshal  
24 Service.
- 25 • If the U.S. Marshal Service is unable to serve Weidick and Plaintiff wishes to have service  
26 again attempted on Weidick, a motion must be filed with the court specifying a more  
27 detailed name and/or address for Weidick, or whether some other manner of service  
28

1 should be attempted. Under Rule 4(m) of the Federal Rules of Civil Procedure, service  
2 must be accomplished within ninety days from the date this order is entered.

3  
4 DATED: August 19, 2021



---

DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE